

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DONALD DEBROSSE,

Plaintiff,  
-against-

THE CITY OF NEW YORK, DETECTIVE MICHAEL  
GAYNOR, Tax #928363, DETECTIVE DAVID  
ARVELO, Tax #895970, DETECTIVE LORRAINE  
WINTERS, Tax #921297, POLICE OFFICER PABLO  
DEJESUS, Tax #915572, DETECTIVE ANDREW  
MENNELLA, Tax #922778, DETECTIVE ROBERT  
AIELLO, Tax #901092, DETECTIVE CLAUDE  
JEAN-PIERRE, Tax #91209, POLICE OFFICERS  
JOHN/JANE DOE(S) #S1-10,

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
13-CV-3822 (AMD) (CLP)

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ SEP 12 2018 ★

BROOKLYN OFFICE

Defendants.

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ANN M. DONNELLY, United States District Judge:

On July 9, 2013, the plaintiff, Donald Debrosse, commenced this action against the defendants, the City of New York and New York Police Detective Michael Gaynor, Detective David Arvelo, Detective Lorraine Winters, Police Officer Pablo Dejesus, Detective Andrew Mennella, Detective Robert Aiello, and Detective Claude Jean-Pierre, alleging false arrest, malicious prosecution, denial of a fair trial, abuse of the criminal process, and *Monell* claims of municipal liability against the City of New York. (ECF No. 1.) On August 2, 2017, I granted summary judgment in favor of the defendants. (ECF No. 95.) The plaintiff appealed, and the Second Circuit affirmed my decision on June 28, 2018. (ECF Nos. 118, 119.) On September 15, 2017, the defendants filed a motion for attorneys' fees and sanctions, seeking \$84,450. (ECF Nos. 101, 102.) The plaintiff filed a cross-motion for sanctions on October 23, 2017. (ECF No. 107.) The Honorable Cheryl L. Pollak held oral argument on February 13, 2018. (ECF No.

117.) On August 28, 2018, Judge Pollak issued a Report and Recommendation in which she recommended that I deny the both the defendants' motion for fees and sanctions, and the plaintiff's motion for sanctions. (ECF No. 120.) No objections have been filed to the Report and Recommendation, and the time for doing so has passed. (*Id.*)

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have carefully reviewed Judge Pollak's thoughtful and cogent Report and Recommendation, and find no error. Accordingly, I adopt the Report and Recommendation in its entirety. The defendants' motion for attorneys' fees and sanctions is denied, and the plaintiff's motion for sanctions is denied.

**SO ORDERED.**

s/Ann M. Donnelly

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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
September 12, 2018